

# **MAINE JUDICIAL BRANCH**

## **INTERPRETER MANUAL**



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**ADMINISTRATIVE OFFICE OF THE COURTS**  
**REVISED MARCH 2017**

# MAINE JUDICIAL BRANCH INTERPRETER MANUAL

Effective March 1, 2017

## I. Legal Obligations and Court Policies

Many persons who come before the Maine Courts may be unable to fully participate in the proceedings due to Limited English Proficiency (LEP), a speech impairment, hearing loss and/or deafness. The Maine Judicial Branch strives to ensure that no person is denied the ability to participate in court proceedings. Professional interpreters make court processes understandable and accessible to those with difficulties communicating in English.

Both state and federal law affirm the importance of accommodating individuals with disabilities who need the services of an interpreter to communicate effectively. The Maine Judicial Branch is required to comply with the Americans with Disabilities Act (ADA), Title VI of the 1964 Civil Rights Act, and the Maine Human Rights Act. State law requires the court system to provide interpreter services when any personal or property interest of an individual with a disability is the subject of a proceeding. 5 M.R.S. § 48-A, 51. In determining what type of auxiliary aid or device is necessary, the Judicial Branch shall give primary consideration to the requests of the deaf or hard of hearing individual. 28 C.F.R. § 35.160.

In addition, Maine's state courts will provide every LEP individual who is a party or witness in any type of court case with an interpreter in all court proceedings related to that case, at the court's expense. "All court proceedings" includes case management conferences, CADRES and judicially-assisted mediations, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencings, appeals, and any other events or proceedings listed by the appointing judicial officer in the appointment order (see Appendix 2).

As officers of the court, interpreters help ensure that all people have meaningful access to justice and that court proceedings and court support services function efficiently and effectively. In order to do so, each interpreter must comply strictly with the *Maine Judicial Branch Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings* (see Appendix 1) and must refrain from any and all unprofessional, illegal, or unethical conduct while acting as an interpreter in any type of court or legal proceeding. Interpreters who fail to comply with the *Standards* will be removed from the Maine Court Interpreter Roster.

## II. Becoming a Court Interpreter- Spoken Language

### A. Proficiency:

1. Court interpreters are independent contractors who must be able to demonstrate oral and written proficiency in both English and target language(s). Proficiency includes the following:

- a. Ability to quickly, completely, and accurately interpret spoken words from one language to another and to quickly, accurately, and completely sight translate written documents verbally from one language to another;
- b. Understanding of basic legal terminology and familiarity with medical terminology;
- c. Ability to perform simultaneous, sight, and consecutive interpretation;
- d. Ability to provide “meaning for meaning” interpreting, preserving the register of speech and all of its relevant characteristics;
- e. Ability to write comprehensively and spell correctly in both languages (when possible in the target language); and
- f. Prior legal interpreting experience is preferred.

## **B. Requirements:**

1. To serve as a rostered interpreter, interpreters must:
  - a. Be at least 20 years old;
  - b. Have a high school diploma or equivalent;
  - c. Be authorized to work in the United States;
  - d. Agree to abide by the Maine Judicial Branch Policy – *Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings* (see Appendix 1); and
  - e. Agree to and satisfactorily complete a background check completed by the Judicial Branch.

## **C. Rostering:**

1. To become a rostered court interpreter, applicants must:
  - a. **Tier I** (qualified)
    - Complete and submit an approved Application for Maine Court Interpreter Work;
    - Pass the National Center for State Courts (NCSC) Written Examination with a score of 70 or higher;
    - Obtain a minimum of “Advanced-Low” rating on the American Council on the Teaching of Foreign Languages (ACTFL) Oral Proficiency Interview in the target language; and
    - Complete the Maine Court Interpreters Orientation Program (two days).
  - b. **Tier II** (qualified, advanced)  
Same requirements as listed above for Tier I, and
    - Complete the State of Maine Judicial Branch Tier II Court Interpreter Application form and submit all required documentation to the Communication Access Specialist;

- Pass the National Center for State Courts Written Examination with a score of 80 or higher;
  - Complete Maine Court Interpreter Advanced Legal Training Sessions (four days);
  - 50 hours of documented legal interpreting experience (travel time excluded); and
  - Two-years of post-secondary education.
- c. **Tier III** (certified, most qualified)  
Same requirements as listed above for Tier I and Tier II, and
- Federal Court certification (OR) satisfactory completion of all three sections of the NCSC Oral Examination.

### **III. Administrative Policies for Rostered Interpreters**

#### **A. Spoken Language Pay Rates:**

1. Effective April 1, 2009, the Maine Judicial Branch implemented a qualification and pay rate system for spoken language court interpreters.

Tier I:	qualified	\$35 per hour rate of pay
Tier II:	qualified, advanced	\$45 per hour rate of pay
Tier III:	certified, most qualified	\$50 per hour rate of pay

#### **B. Spoken Language Interpreter Payment Policies:**

1. Interpreters shall bill for the time spent on an assignment, from the time they sign in with the clerk at the courthouse until the time they sign out with the clerk at the courthouse rounded to the nearest .25 hours (15 minutes).
2. If the interpreter is scheduled for multiple assignments at the same courthouse on the same day, the interpreter shall submit one invoice, regardless of the number of cases at that courthouse on that date. If billing for multiple docket numbers on the same date at the same courthouse, the interpreter shall list each case and the time spent on each case separately.

#### **C. Minimum Payment:**

1. The minimum payment for on-site spoken language interpretation is two hours per courthouse per day (not per event), even if actual total time spent at the assigned courthouse is less than two hours in duration.

#### **D. Mileage Reimbursement:**

1. Current mileage rates set pursuant to 5 M.R.S. § 8 apply for interpreter travel. The current mileage rate is \$0.44 per mile. (2017)

2. Spoken language interpreters may seek mileage reimbursement for travel more than 10 miles (each way) from their homes and the court assignment location. **Local travel, 10 miles or fewer each way, is not reimbursed.**
3. Travel shall be by the most practical direct route as determined by Google Maps. Any persons traveling by an indirect route shall assume extra expense incurred.

#### E. Travel Time:

1. In addition to mileage, spoken language interpreters may seek reimbursement for travel time in **excess of two hours round-trip** at one-half the interpreter's hourly rate.

Tier I:	\$17.50 per travel hour <b>after</b> two hours round trip
Tier II:	\$22.50 per travel hour <b>after</b> two hours round trip
Tier III:	\$25.00 per travel hour <b>after</b> two hours round trip

Example:

- A Tier I interpreter travels for three hours **each way** from his or her home in Biddeford to the Lincoln District Court for an assignment. The interpreter's **round trip** travel time is six hours. The Tier I interpreter should calculate and bill for travel time as follows:

6 hours	(actual round trip travel time)
—	
2 hours	(non-billable travel time)
<hr/>	
4 hours	(billable travel time)
x	
\$17.50	(one-half Tier I hourly rate of pay)
<hr/>	
<b>\$70.00</b>	<b>(billable travel time)</b>

#### F. Overnight Accommodations:

1. Overnight accommodations must be pre-approved by and arranged through the Communication Access Specialist. **Reimbursement for overnight accommodations that do not have prior approval from the Communication Access Specialist will not be authorized.**
2. Overnight accommodations may be provided when travel is at least 50 miles from the interpreter's home **and** when travel time will add more than one hour to the beginning or end of the court's normal start or end time.
3. The Communication Access Specialist may authorize overnight accommodations that do not meet these guidelines when unforeseen or exigent circumstances exist, such as inclement weather that results in closure of a courthouse prior to the end of the regular

business day. The Communication Access Specialist must pre-approve all overnight accommodation requests.

Examples:

- Interpreter's assignment begins at 8:00 a.m. and is more than 50 miles from his or her home **and** the interpreter will have to leave home prior to 7:00 a.m. to arrive at the court location, the interpreter may request approval for overnight accommodations on the night before the assignment.
- Interpreter's assignment ends at 4:00 p.m. **and** is more than 50 miles from his or her home **and** the interpreter, with travel time, will arrive home after 5:00 p.m. the interpreter may request approval for overnight accommodations on the night after the assignment.
- Interpreter's assignment spans two or more days **and** is more than 50 miles from his or her home, the interpreter may request approval for overnight accommodations for nights between court dates.
- If the interpreter's assignment begins at 10:00 a.m. and is more than 50 miles from his or her home **and** the interpreter will not leave home prior to 7:00 a.m. to arrive at the court location, the interpreter may not request approval for overnight accommodations.

#### G. Cancellation Policy:

1. When cancellation is necessary, the Judicial Branch will provide the interpreter with as much notice as possible given the nature of court operations. **Effective for proceedings scheduled for the date of March 1, 2017 and beyond**, hours billable for cancelled court events will be determined based on the amount of notice given and number of service hours scheduled:

Assignment Length	CANCELLATION NOTICE GIVEN				
	Within 2 business days	Between 2 to 3 business days	Between 3 to 5 business days	Between 5 to 10 business days	10 or more business days
Fewer than 3 hours	100% of scheduled service hours	Not billable	Not billable	Not billable	Not billable
3 or more hours in a single day	100% of scheduled service hours	100% of scheduled service hours	Not billable	Not billable	Not billable
2 to 3 days	100% of scheduled service hours	100% of scheduled service hours	100% of scheduled service hours	50% of scheduled service hours	Not billable
4 or more days	100% of scheduled service hours	100% of scheduled service hours	100% of scheduled service hours	100% of scheduled service hours	Not billable

2. Cancellation due to administrative closings<sup>1</sup> for reasons including bad weather (for example, snow) or other emergencies is **not** billable.
3. Billing for cancelled assignments shall be at the same hourly rate as the service category.
4. Billing shall apply for any *actual* travel miles that the interpreter incurred, subject to the mileage guidelines outlined herein.
5. Full or partial cancellation of assignments greater than 10 business days will not be reimbursed for more than 10 cancelled business days. (For example, if an interpreter has a six-month assignment, and it is cancelled with less than 10 days' notice, per the chart above, then the Judicial Branch will only be liable to pay for up to 10 days of the six-month assignment, not the full six-months).

#### **H. Submitting Interpreter Bills:**

1. Once interpreting assignments for a case are completed, you must use the Bill for Interpreter Services form (see Appendix 4) and submit the completed form to the clerk's office that selected you no later than 10 business days after the assignment. Any requests for payment not on the Bill for Interpreter Services form will be sent back to you with a request that you resubmit your request for payment on the form.
2. The clerks are responsible for checking the accuracy of the Bill for Interpreter Services form and they will review the interpreter bill rate, the length of service at the interpreted event, and travel-related issues. Clerks will use the sign-in and sign-out form information that is in the case file and compare this information with the information on the Bill for Interpreter Services. The clerk will contact you if there are any discrepancies.
3. After the bill is reviewed, the clerk will present it to the presiding judicial officer for approval and signature. Once the bill is signed, the clerk will submit the approved bill to the Administrative Office of the Courts for payment.

#### **I. Private Agency or Off-Roster Interpreters:**

1. Interpreters assigned to court events via a private agency or via individual contract will be paid according to the contract between the Judicial Branch and the private agency or individual, non-rostered interpreter. If no contract exists, the Judicial Branch will make payment according to the agency or interpreter's policy if provided to the Judicial Branch in advance of the assignment.

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<sup>1</sup> Emergency closings are posted on the Maine Judicial Branch website at [http://www.courts.maine.gov/maine\\_courts/schedules/closings.shtml](http://www.courts.maine.gov/maine_courts/schedules/closings.shtml). Interpreters are encouraged to check the website and to call local courts before going to an assignment.

## IV. Sign Language Interpreters

### A. Becoming a Court Interpreter – Sign Language

1. Those interested in becoming a Legally Qualified Sign Language Interpreter, contact the Division for the Deaf, Hard of Hearing, & Late Deafened, Department of Labor, 150 State House Station, Augusta, Maine 04333-0150.

### B. Requirements for Sign Language Interpreters:

1. All interpreters for the deaf and hard of hearing (Sign Language) must meet the qualifications for interpreting in legal settings as established by 5 M.R.S. § 48-A and must either appear on the list of Maine Legally Qualified Sign Language Interpreters or be qualified pursuant to standards established by the Supreme Judicial Court.
2. Agree to abide by the *Maine Judicial Branch Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings* (see Appendix 1); and
3. Agree to and satisfactorily complete a background check completed by the Judicial Branch.

### C. Mileage Reimbursement and Travel Time:

1. Current mileage rates set pursuant to 5 M.R.S. § 8 apply for interpreter travel. The current mileage rate is \$0.44 per mile (2017), HOWEVER;
2. Clerks have been advised that the sign language referral agency's travel policy may be applied as long as the agency's mileage rate never exceeds the Judicial Branch rate.

### D. Minimum Payment:

1. The minimum payment for on-site sign language interpretation is for one hour, even if this event is less than one hour in duration;
2. Assignments longer than one hour shall be billed in accordance in increments no smaller than 15 minutes. HOWEVER;
3. Clerks have been advised that the sign language referral agency's minimum payment policy may be applied.

### E. Overnight Accommodations:

1. Overnight accommodations must be pre-approved by and arranged through the Communication Access Specialist. **Reimbursement for overnight accommodations that do not have prior approval from the Communication Access Specialist will not be authorized.**
2. Overnight accommodations may be provided when travel is at least 50 miles from the interpreter's home **and** when travel time will add more than one hour to the beginning or end of the court's normal start or end time.



- The Communication Access Specialist may authorize overnight accommodations that do not meet these guidelines when unforeseen or exigent circumstances exist, such as inclement weather that results in closure of a courthouse prior to the end of the regular business day. The Communication Access Specialist must pre-approve all overnight accommodation requests.

Examples:

- Interpreter's assignment begins at 8:00 a.m. and is more than 50 miles from his or her home **and** the interpreter will have to leave home prior to 7:00 a.m. to arrive at the court location, the interpreter may request approval for overnight accommodations on the night before the assignment.
- Interpreter's assignment ends at 4:00 p.m. **and** is more than 50 miles from his or her home **and** the interpreter, with travel time, will arrive home after 5:00 p.m. the interpreter may request approval for overnight accommodations on the night after the assignment.
- Interpreter's assignment spans two or more days **and** is more than 50 miles from his or her home, the interpreter may request approval for overnight accommodations for nights between court dates.
- If the interpreter's assignment begins at 10:00 a.m. and is more than 50 miles from his or her home **and** the interpreter will not leave home prior to 7:00 a.m. to arrive at the court location, the interpreter may not request approval for overnight accommodations.

#### F. Cancellation Policy:

- When cancellation is necessary, the Judicial Branch will provide the interpreter with as much notice as possible given the nature of court operations. **Effective for proceedings scheduled for the date of March 1, 2017 and beyond**, hours billable for cancelled court events will be determined based on the amount of notice given and number of service hours scheduled:

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2 to 3 days	100% of scheduled service hours	100% of scheduled service hours	100% of scheduled service hours	50% of scheduled service hours	Not billable
4 or more days	100% of scheduled service hours	100% of scheduled service hours	100% of scheduled service hours	100% of scheduled service hours	Not billable

2. Cancellation due to administrative closings<sup>2</sup> for reasons including bad weather (for example, snow) or other emergencies is **not** billable.
3. Billing for cancelled assignments shall be at the same hourly rate as the service category.
4. Billing shall apply for any *actual* travel miles that the interpreter incurred, subject to the mileage policies outlined herein.
5. Full or partial cancellation of assignments greater than 10 business days will not be reimbursed for more than 10 cancelled business days. (For example, if an interpreter has a six-month assignment, and it is cancelled with less than 10 days' notice, per the chart above, then the Judicial Branch will only be liable to pay for up to 10 days of the six-month assignment, not the full six-months).

### **G. Submitting Interpreter Bills:**

1. Once interpreting assignments for a case are completed, you must use the Bill for Interpreter Services form (see Appendix 4) and submit the completed form to the clerk's office that selected you no later than 10 business days after the assignment. Any requests for payment not on the Bill for Interpreter Services form will be sent back to you with a request that you resubmit your request for payment on the form.
2. The clerks are responsible for checking the accuracy of the Bill for Interpreter Services form and they will review the interpreter bill rate, the length of service at the interpreted event, and travel-related issues. Clerks will use the sign-in and sign-out form information that is in the case file and compare this information with the information on the Bill for Interpreter Services. The clerk will contact you if there are any discrepancies.
3. After the bill is reviewed, the clerk will present it to the presiding judicial officer for approval and signature. Once the bill is signed, the clerk will submit the approved bill to the Administrative Office of the Courts for payment.

## **V. Assignment of Interpreters**

### **A. Scheduling Guidelines:**

1. For spoken language interpreters, clerks will use the Maine Court Spoken Language Interpreter Roster to identify and contact the most highly qualified (Tier III, Tier II, or Tier I) spoken language interpreter available in the office's geographic area. For Sign Language interpreters, clerks will identify and contact a Sign Language interpreter qualified pursuant to standards established by the Supreme Judicial Court or appearing on the list of Maine Legally Qualified Sign Language Interpreters.
2. If you tell the clerk that you are available to interpret the case, the clerk will then tell you the nature of the case, the docket number, the names of the parties, and the names

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<sup>2</sup> Emergency closings are posted on the Maine Judicial Branch website at [http://www.courts.maine.gov/maine\\_courts/schedules/closings.shtml](http://www.courts.maine.gov/maine_courts/schedules/closings.shtml). Interpreters are encouraged to check the website and to call local courts before going to an assignment.

of the attorneys. You will be asked if you have any relationships with the case and/or with the parties, attorneys, or witnesses. If the clerk tells you that you will be hired, she or he will suggest that you visit the clerk's office prior to the interpreted event to review the case file.

3. Once you have been confirmed as the interpreter, the clerk will also send a written notice confirming your hiring for that proceeding.

## **VI. Number of Interpreters Assigned**

### **A. Team Interpreting Guidelines:**

1. Team interpreting is the industry standard for sign language interpreters. No fewer than two sign language interpreters should be scheduled for any assignment lasting more than two hours.
2. Team interpreting is becoming the standard for spoken language interpreters. No fewer than two spoken language interpreters should be scheduled for assignments lasting more than half a day.
3. Court proceedings in which both parties are LEP will require a minimum of two interpreters, or more, depending upon the length of the assignment.

## **VII. At the Courthouse**

### **A. Upon Arrival at the Courthouse:**

1. You should arrive at the designated courthouse location **at least fifteen minutes** before the requested time (and this is billable time).
2. If this location has entry security screening, you will proceed through screening and tell the deputy marshal your name and that you are the interpreter on a case. Indicate the case name and the court that you will be working in (Superior Court/District Court/Unified Criminal Docket).<sup>3</sup>
3. If there is no entry screening in place, go directly to the clerk's office. If the Judicial Branch issued you a photo identification card, be sure to wear it at the courthouse.
4. The clerk will ask you to note the time of your arrival on a sign-in form. Verify which courtroom to report to and ask to see the file if you have not already reviewed it.

### **B. In the Courtroom:**

1. Introduce yourself to the courtroom deputy marshal;
2. Ask the deputy marshal if she or he would check with the presiding judicial officer to see if that judicial officer wishes to meet with you before the proceeding to discuss and clarify interpretive ground rules; and

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<sup>3</sup> Do not bring any weapons or other items that are not permitted in courthouses.

3. Introduce yourself to the LEP individual requiring language assistance and to his or her attorney (if any). Explain your role as interpreter. Explain to the attorney what is being said, and in the presence of the attorney, speak with the LEP individual to confirm that you and the LEP individual are able to communicate. Explain to the LEP individual (and his/her attorney) the neutral role of an interpreter. Identify any regionalisms, slang, or technical language that may be used in the proceeding.

**C. *Voir Dire* Questions for Professional Interpreters:**

1. At the beginning of the court proceeding, the presiding judicial officer (who may be a justice, judge, or family law magistrate) may ask you a series of questions to establish on the record that you are qualified to interpret in the proceeding. Those questions may include the following:
  - a. *State your full name and professional address.*
  - b. *Where are you employed?*
  - c. *What is your educational background?*
  - d. *How did you learn English (if native language is not English)?*
  - e. *Can you communicate fluently in [language / dialect]?*
  - f. *Where did you learn [language/dialect]?*
  - g. *Did you have formal training in this language and did you have training or knowledge of legal terminology?*
  - h. *How long have you spoken the language?*
  - i. *Have you ever interpreted in a court setting before? If so, how many times and what types of cases?*
  - j. *Are you certified to interpret in [language/dialect]? By whom? What is your certification called?*
  - k. *Are you a member of any professional associations for interpreters? If so, which one[s]?*
  - l. *Have you ever had any formal interpreter training? If so, describe the training?*
  - m. *Do you understand the nature of the proceeding we are about to begin?*
  - n. *Have you had an opportunity to discuss your role in the proceeding with this person and/or this person's attorney?*
  - o. *Have you reviewed a copy of [any document, e.g., indictment, that will play a critical role in the legal proceeding]? Do you understand it? Would you please explain to me your understanding of that document?*
  - p. *Do you have any questions about the legal process?*
  - q. *What is your background in and knowledge of technical terminology or slang (legal, medical, drug or weaponry) that may be used in a court proceeding?*
  - r. *Have you ever met [person needing interpretation] before today?*
    - *If yes, what were the circumstances?*
    - *Were/are you able to communicate easily with this person?*

- *What language/dialect does this person use?*
- s. *Do you believe you will be able to interpret everything that is said faithfully and impartially in this proceeding?*
- t. *Do you know any of the parties, witnesses, attorneys, or jurors?*
- u. *Do you have a financial or other interest in the outcome of this case?*
- v. *Do you understand that you must interpret everything said by both the questioner and the person needing the interpretation services without editing, omitting, or adding?*
- w. *Have you reviewed and signed the Maine Judicial Branch Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings?*

#### **D. Sample Oath:**

1. You will be asked to make the following oath or affirmation at the beginning of every proceeding: *“Do you solemnly swear or affirm that you will truly and correctly interpret for the court, jury, attorneys, defendant, and the person being examined all of the proceedings in this case into [the language] and you will repeat the statements made in [the language] into English to the best of your skill (so help you God)?”*

#### **E. Professional Conduct:**

1. You may be asked to sign an acknowledgement that you have read, understand, and agree to abide by the *Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings*.

#### **F. Courtroom Process:**

1. Speak in the first person when interpreting. Refer to yourself in the third person;

#### **INTERPRETATION SHOULD BE IN THE FIRST PERSON**

##### **Incorrect**

Q. When the accident happened were you awake?

Interpreter:

A. The witness says he was awake

Q. Ask him what he saw at that time.

Interpreter:

A. He saw the other car coming fast.

##### **Correct**

Q. When the accident happened were you awake?

A. Yes.

Q. What did you see at the time?

A. I saw the other car coming fast.

2. No separate or private conversation is permitted between the interpreter and the recipient of the interpreting service;

3. The presiding judicial officer is responsible for responding to requests for repetition or rephrasing and will instruct participants accordingly. Address all requests and concerns to the judicial officer rather than directly to the speaker;
4. Be prepared to interrupt proceedings to ask the presiding judicial officer of permission to have questions or answers repeated;

### **INTERRUPTING THE PROCEEDINGS**

When an interpreter needs to consult a dictionary, or needs to have a question or answer repeated, the interpreter should refer to him/herself in the third person and direct her/his request directly to the presiding judicial officer.

#### **Incorrect**

Interpreter:  
I need to consult a dictionary.

Interpreter:  
I cannot hear the witness.

#### **Correct**

Interpreter:  
The interpreter needs to consult a dictionary.

Interpreter:  
The interpreter cannot hear the witness.

5. Know and follow the *Maine Judicial Branch Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings*;
6. When you are part of an interpreting team with more than one interpreter, use “down time” to monitor the interpretation of the working team member; and
7. If at any time there is an impediment to interpreting effectively, it is your duty to inform the presiding judicial officer and to suggest corrective action.

### **INFORMING THE COURT**

When an interpreter needs to inform the court of an impediment to effective interpretation, the interpreter should raise his/her hand immediately, wait for the presiding judicial officer to acknowledge the interpreter and then ask to speak to the presiding judicial officer. The interpreter should not shout out concerns unless the judicial officer directs her/him to state them publically.

## **G. End of the Day Process:**

1. Check with the attorney (if any), LEP individual, presiding judicial officer and deputy marshal before leaving the courtroom to ensure that all communication needs have been met;
2. Report to the clerk’s office and confirm that the case is finished or adjourned until the next trial day. Fill out the sign-out form to indicate how many hours you worked on the case that day. Do not include any travel time on this form;
3. Leave the building in such a manner that you are not likely to encounter the parties in the hallways or parking area, to avoid further discussion of the case. If you do encounter the parties or their attorney and they indicate they would like to speak with you or have you interpret, tell them that it is not proper for you to speak with them outside of the proceedings, and decline to do so;

4. Destroy all notes and preparation materials at the completion of the case/assignment;
5. If the case is continued or rescheduled, do not consider yourself scheduled for the new dates until you have been officially requested to interpret by the clerk's office; and
6. Remember, all aspects of the case are confidential and you are under an oath to protect all communications that you have been exposed to through the interpreting task, whether that information is legally privileged or not.

## **VIII. Interpreter Performance**

### **A. Quality Assurance and Feedback:**

1. Feedback about an interpreter's performance may be solicited from the participants in any interpreted interaction. Negative feedback may result in corrective suggestions, and/or a requirement to attend additional training. Interpreters who violate the *Maine Judicial Branch Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings*, or who demonstrate repeated gross errors in interpretation, will be removed from the Maine Court Interpreter Roster.

## **IX. Process for Client Conferences and Depositions for Cases with Court-Assigned Attorneys**

### **A. Non-Court Proceedings:**

1. When an LEP individual has a court-assigned attorney, the attorney is responsible for arranging for interpreters for client conferences, depositions, and other matters that are not court proceedings. The direct hiring of interpreters will allow for confidentiality among court-assigned attorneys, the interpreter, and the LEP individual during conferences, depositions, and other non-court proceedings.
2. The interpreter should submit his or her bill for these services to the court-assigned attorney, and the attorney will then submit the bill to the clerk with a statement from the attorney that the time claimed is accurate. The clerk will follow the bill payment process outlined in the preceding section.

## **X. Coordination of Interpreter Services**

### **A. Communication Access Specialist:**

1. The Communication Access Specialist has been charged with developing and implementing the Judicial Branch LEP Program. Questions or problems related to providing assistance to LEP individuals or providing interpreter or translation

services should be brought to the attention of the Communication Access Specialist.

Communication Access Specialist  
Administrative Office of the Courts  
P.O. Box 4820  
Portland, ME 04112-4820  
(207) 822-0703, TTY (207) 822-0701  
[interpreters@courts.maine.gov](mailto:interpreters@courts.maine.gov)

## **XI. Other Resources**

### **A. Additional Information:**

1. State of Maine Judicial Branch website: [www.courts.maine.gov](http://www.courts.maine.gov)
2. National Center for State Courts Glossary of Legal Terms: [www.ncsc.org](http://www.ncsc.org)
3. State of Maine website: [www.maine.gov](http://www.maine.gov)



**STATE OF MAINE  
JUDICIAL BRANCH  
ADMINISTRATIVE OFFICE OF THE COURTS**

**STANDARDS OF PROFESSIONAL CONDUCT FOR INTERPRETERS PROVIDING  
SERVICES IN JUDICIAL PROCEEDINGS**

**Effective January 1, 2005  
Revised July 15, 2015**

**I. INTRODUCTION**

Many persons who come before the courts may be restricted in their ability to fully participate in the proceedings due to limited English proficiency, a speech impairment, hearing loss and/or deafness. It is essential that any resulting communication barrier be removed, as far as possible, so that these persons are placed in the same positions as similarly situated persons for whom there is no such barrier. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice. As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters may be privately retained or paid through public funds.

**II. GENERAL PROVISIONS**

**SECTION 1: APPLICABILITY**

These standards shall guide and be binding upon all persons, agencies, and organizations who provide interpreting services in the Maine State Courts. Violation of any provisions of the standards by any person, agency or organization providing interpreting services in the Maine State Courts shall result in sanctions that may include, but are not limited to, removal of that person, agency or organization from the Judicial Branch's approved roster of interpreters. Members of the public are frequently accompanied to court by family and friends who offer support. For persons of limited English proficiency this support can include communication with court staff and other officials. This support, while welcomed by the court system, does not substitute for an official interpreter. Because family members and friends who are providing assistance are not serving as interpreters, these standards do not apply to them.

**SECTION 2: EFFECTIVE DATE**

These standards take effect on January 1, 2005. All persons to whom these standards are applicable on that date, and all persons to whom these standards thereafter become applicable, shall comply immediately with all provisions of the standards. Failure or refusal to comply with any provisions of the standards by any person, agency or organization providing interpreting services in the Maine State Courts shall result in sanctions that may include, but are not limited to, removal of that person, agency or organization from the Judicial Branch's approved roster of interpreters.

**SECTION 3: DEFINITIONS**

- A. "Appropriate Judicial Authority" means the Communication Access Specialist within the Administrative Office of the Courts.  
B. "Presiding Officer" means the Judge, Justice, Magistrate, or Mediator overseeing the proceeding.

**III. STANDARDS**

**STANDARD 1: ACCURACY AND COMPLETENESS**

Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.

*Commentary:*

The interpreter has a twofold duty: 1) to ensure that the proceedings in English reflect precisely what was said by a non-English speaking person, and 2) to place the non English speaking person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language. Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style or register of speech. Verbatim, "word for word," or literal oral interpretations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears non responsive, obscene, rambling, or incoherent should be interpreted. This includes apparent misstatements. Interpreters should never interject their own words, phrases, or expressions. If the need arises to explain an interpreting problem (e.g., a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the presiding officer's permission to provide an explanation. Interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions, or dramatic gestures. Sign language interpreters, however, must employ all of the visual cues that the language they are interpreting for requires -- including facial expressions, body language, and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct. The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

## **STANDARD 2: REPRESENTATION OF QUALIFICATIONS**

Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.

### *Commentary:*

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certification, and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

## **STANDARD 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST**

Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.

### *Commentary:*

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties. The interpreter shall avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with attorneys or other members of the courtroom work group, including law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants. The interpreter must strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions shall be avoided at all times. Should an interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter shall disclose that knowledge to the appropriate judicial authority and counsel. Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing services in a matter, court interpreters must disclose to all parties and presiding officers any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information. The following are circumstances that are presumed to create actual or apparent conflicts of interest for interpreters where interpreters should not serve:

1. The interpreter is a friend, associate, or relative of a party or counsel for a party involved in the proceedings;
2. The interpreter has served in an investigative capacity for any party involved in the case;
3. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
4. The interpreter or the interpreter's spouse or child has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
5. The interpreter has been involved in the choice of counsel or law firm for that case.

Interpreters shall disclose to the presiding officer and other parties when they have previously been retained for private employment by one of the parties in the case.

Interpreters shall not serve in any matter in which payment for their services is contingent upon the outcome of the case. An interpreter who is also an attorney shall not serve in both capacities in the same matter.

## **STANDARD 4: PROFESSIONAL Demeanor**

Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.

### *Commentary:*

Interpreters must know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enable them to be heard and understood throughout the courtroom, but the interpreter's presence should otherwise be as unobtrusive as possible. Interpreters should work without drawing undue or inappropriate attention to themselves. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court. Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings. However, interpreters who use sign language or other visual modes of communication must be positioned so that hand gestures, facial expressions, and whole body movement are visible to the person for whom they are interpreting. Interpreters should avoid personal or professional conduct that could discredit the court.

## **STANDARD 5: CONFIDENTIALITY**

Interpreters shall protect the confidentiality of all privileged and other confidential information.

### *Commentary:*

The interpreter must protect and uphold the confidentiality of all privileged information obtained during the course of her or his duties. It is especially important that the interpreter understands and upholds the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications. Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding. In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to the appropriate judicial authority who is not involved in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

## **STANDARD 6: RESTRICTION OF PUBLIC COMMENT**

Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.

#### **STANDARD 7: SCOPE OF PRACTICE**

Interpreters shall limit themselves to interpreting or translating, and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.

##### *Commentary:*

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only. Interpreters should refrain from initiating communications while interpreting unless it is necessary for assuring an accurate and faithful interpretation. Interpreters may be required to initiate communications during a proceeding when they find it necessary to seek assistance in performing their duties. Examples of such circumstances include seeking direction when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances they should make it clear that they are speaking for themselves. An interpreter may convey legal advice from an attorney to a person only while that attorney is giving it. An interpreter must not explain the purpose of forms, services, or otherwise act as a counselor or advisor unless he or she is interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person. The interpreter should not personally perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

#### **STANDARD 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE**

Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.

##### *Commentary:*

If the communication mode or language of the non-English-speaking person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority.

Interpreters must notify the presiding officer of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., the court room is not quiet enough for the interpreter to hear or be heard by the non-English speaker, more than one person at a time is speaking, or principals or witnesses of the court are speaking at a rate of speed that is too rapid for the interpreter to adequately interpret). Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures. Interpreters should notify the presiding officer of the need to take periodic breaks to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary. Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy those assignments competently. Even competent and experienced interpreters may encounter cases where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter (e.g., the unscheduled testimony of an expert witness). When such instances occur, interpreters should request a brief recess to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the presiding officer. Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant. Interpreters must notify the presiding officer of any personal bias they may have involving any aspect of the proceedings. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

#### **STANDARD 9: DUTY TO REPORT ETHICAL VIOLATIONS**

Interpreters shall report to the appropriate judicial authority any effort to impede their compliance with any law, any provision of these standards, or any other official policy governing court interpreting and legal translating.

##### *Commentary:*

Because the users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of these standards or other laws, regulations, or policies governing court interpreters. It is incumbent upon the interpreter to inform such persons of his or her professional obligations. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, the appropriate judicial authority to resolve the situation.

#### **STANDARD 10: PROFESSIONAL DEVELOPMENT**

Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.

##### *Commentary:*

Interpreters must continually strive to increase their knowledge of the languages they work in professionally, including past and current trends in technical, vernacular, and regional terminology as well as their application within court proceedings. Interpreters should keep informed of all statutes, rules of courts and policies of the judiciary that relate to the performance of their professional duties. An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

**GUIDELINES FOR DETERMINATION OF ELIGIBILITY FOR COURT-APPOINTED  
INTERPRETATION AND TRANSLATION SERVICES  
STATE OF MAINE SUPREME JUDICIAL COURT**

ADMINISTRATIVE ORDER JB-06-03

Effective and dated: July 16, 2013

This Order sets forth the guidelines for determining when the Judicial Branch will provide an interpreter or other translation service in Maine's State Courts for persons with limited English proficiency, hereinafter identified as "LEP" individuals, who are: parties, potential litigants seeking assistance through the Clerks Offices, witnesses, or parents of minors in juvenile matters.

*Limited English proficiency* refers to the inability to adequately understand or communicate effectively in English in a court proceeding. This phrase applies to individuals whose primary language is a language other than English and whose ability to speak English is not at the level of comprehension and expression needed to participate effectively in court transactions and proceedings. While this phrase also applies to individuals whose primary language is American Sign Language, this Administrative Order does not apply to individuals who are deaf or hard-of-hearing. The interpretation and/or translation services for those individuals are governed by 5 M.R.S. § 48-A.

Nothing herein shall be understood to prevent a person from having his or her own interpreter or translation assistance in addition to the interpreter or translator appointed and funded by the court.

**I. DETERMINATION OF ELIGIBILITY**

Maine's State Courts will provide all LEP individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings related to that case, at the State's expense. "All court proceedings" includes case management conferences, CADRES and judicially-assisted mediations, motion hearings, arraignments, commitment hearings, competency hearings, jury selection, trials, sentencing, appellate arguments, and any other court events or proceedings authorized by the presiding judge or justice.

When the LEP individual has court-appointed counsel, that attorney may request authorization from the Maine Commission on Indigent Legal Services to incur expenses for interpreter and/or translator services for client conferences, court authorized evaluations, and depositions.

Whenever an LEP individual who needs interpretation services requests information and/or assistance at a court clerk's window, the court clerk will provide the information and/or assistance by using an in person interpreter or other service, such as a telephone interpreting service.

Other requests for interpretation/translation services or other accommodation will be considered pursuant to the Judicial Branch's *Policy on Access for People with Disabilities* (Effective May 5, 2000).

Court clerks are authorized to arrange for interpreter or translation services whenever requested by a judge, an individual litigant, a litigant's attorney or representative, or when, in the clerk's estimation, an individual does not understand the information being provided or when the clerk does not understand the requests being made by the individual.

For the Court,

/s/

Leigh I. Saufley, Chief Justice

**STATE OF MAINE**

SUPERIOR COURT _____, ss Docket No. _____	DISTRICT COURT Location _____ Docket No. _____
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STATE OF MAINE/_____  vs.  _____	<b>INTERPRETER SCHEDULING NOTICE</b>
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**DATE OF HEARING:** \_\_\_\_\_ **AT** \_\_\_\_\_ **AM/PM**

**ESTIMATED LENGTH OF HEARING IN HOURS/ DAYS:** \_\_\_\_\_

**Interpreter's Name and agency:** \_\_\_\_\_

**Language:**    Spanish \_\_\_\_\_ Somali \_\_\_\_\_ French \_\_\_\_\_ Arabic \_\_\_\_\_ Sign Language \_\_\_\_\_

**Williams Device** \_\_\_\_\_ **Other** \_\_\_\_\_

  

The above-named interpreter has been scheduled to appear for the purpose of interpreting into and from the English language for the above court proceedings.

  

Date: \_\_\_\_\_

  

\_\_\_\_\_  
(Asst./Assoc./Adm./Clerk)

  

cc:    file  
      Plaintiff/State (Attorney for)  
      Defendant (Attorney for)  
      Interpreter

June 5, 2009

